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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,274	03/17/2004	Todd L. DePue	1-74556	4234

27377 7590 05/19/2005

MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA-FOURTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
3612	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/802,274

**Applicant(s)**

DEPUE ET AL.

**Examiner**

Lori L. Coletta

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 10-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 4, 6-9 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06142004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

ED

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 10-15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bentivoglio US 2002/0162408.

Regarding claim 1, Bentivoglio '408 discloses a door assembly for an interior component of a vehicle comprising a door body movably attached to an interior component of a vehicle; a sensor adapted to generate a signal that is a function of a desired position of said door body; and an actuator selectively coupled to said door body, said actuator operable to enable said door body to move in response to said signal.

Regarding claim 2, Bentivoglio '408 discloses the door assembly; wherein said interior component includes an outer surface defining an opening therein and wherein said door body is movable between a closed position in which the door body is positioned generally flush with said outer surface of said interior component to cover the opening within the interior component and an open position in which the door body is positioned to allow access to the opening within the interior component from the passenger compartment of the vehicle.

Regarding claim 3, Bentivoglio '408 discloses the door assembly, wherein said actuator is adapted to move said door body to said open position in response to signal.

Regarding claim 5, Bentivoglio '408 discloses the door assembly, wherein said actuator is adapted to move said door body from said closed position to a position flush with said outer surface of said interior component in response to said signal.

Regarding claim 10, Bentivoglio '408 discloses the door assembly, wherein the sensor includes at least one of a field effect device, an optical sensor, a magnetic sensor, a Hall Effect device, a Piezo device, and a photoelectric device.

Regarding claim 11, Bentivoglio '408 discloses the door assembly, wherein said door assembly further includes a latch mechanism to retain said door body to said interior component.

Regarding claim 12, Bentivoglio '408 discloses the door assembly, wherein said latching mechanism is incorporated with said actuator.

Regarding claim 13, Bentivoglio '408 discloses the door assembly, wherein said actuator is adapted to restrain said door body in a desired position relative to said interior component.

Regarding claim 14, Bentivoglio '408 discloses the door assembly, wherein at least a portion of said sensor is positioned on said interior component.

Regarding claim 15, Bentivoglio '408 discloses the door assembly, wherein said door body includes an inner surface and an outer surface, and wherein said sensor is positioned on said outer surface of said door body.

Regarding claim 17, Bentivoglio '408 discloses the door assembly, wherein said actuator comprises a motor assembly.

Regarding claim 18, Bentivoglio '408 discloses the door assembly, further comprising a controller, wherein said controller is a microprocessor capable of receiving said signal from said sensor and generating a signal to said actuator.

Regarding claim 19, Bentivoglio '408 discloses the door assembly. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production.

Regarding claim 20, Bentivoglio '408 discloses the door assembly, wherein said interior component is an instrument panel, and said instrument panel and said door body define a glove box.

*Allowable Subject Matter*

3. Claims 4, 6-9 and 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

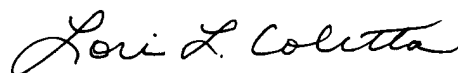
The cited references show several other door assemblies similar to that of the current invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta  
Primary Examiner  
Art Unit 3612

llc  
May 15, 2005